



PATENTS

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HOLADAY et al.

Serial No.: 10/799,163

Filed: **March 12, 2004**For: **COMPOSITIONS AND METHODS FOR
TREATING CANCER AND
HYPERPROLIFERATIVE DISORDERS**

Art Unit: 1643

Examiner: **Christopher Yaen****RE-SUBMISSION OF PETITION TO ACCEPT UNINTENTIONALLY DELAYED
CLAIM OF PRIORITY PURSUANT TO 37 C.F.R. § 1.78(a)(3)**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Applicants previously submitted a petition for the acceptance of an unintentionally delayed claim of priority in the above reference application on December 12, 2006. The previous petition contained an error and applicants re-submit the current petition in order to correct this error. Applicants respectfully request consideration of this re-submission and petition for the acceptance of an unintentionally delayed claim of priority in the above-referenced patent application.

The correct claim of priority should recite as follows:

The present invention is a continuation of PCT/US00/06320 filed September 14, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/266,543 filed March 11, 1999, now U.S. Patent No. 6,805,865, which is a continuation-in-part of U.S. Patent Application Serial No. 09/265,213 filed March 10, 1999 (now abandoned), which claims the benefit of U.S. Provisional Application Serial No. 60/077,460 filed March 10, 1998. U.S. Patent Application Serial No. 09/265,213 is also a continuation-in-part of U.S. Patent Application Serial No. 08/467,101 filed June 6, 1995 now U.S. Patent No. 5,919,459, which is a continuation of U.S. Patent Application Serial No. 08/271,557 filed July 7, 1994 (now abandoned) which is a

1-82-997
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 9, 2007.

F. Brent Nix - Reg. No. 59,004

continuation of U.S. Patent Application Serial No. 08/068,717 filed May 27, 1993 (now abandoned).

Simultaneously herewith, applicants submit a supplemental response amending the specification to recite the correct claim of priority.

STATEMENT OF UNINTENTIONAL DELAY OF PRIORITY CLAIM

The entire delay between the date of the claim of priority was due, June 12, 2004, and the date this priority claim was filed was unintentional. This statement is made by the undersigned agent registered to practice before the Patent and Trademark Office, and a verified statement is therefore not required.

As required by 37 C.F.R. § 1.78(a)(3), the requisite petition fee under 37 C.F.R. 1.17(t) in the amount of \$1,370.00 was previously submitted with the petition filed December 12, 2006. A copy of previously-submitted Form PTO-2038 authorizing the payment is submitted herewith.

Respectfully submitted:



F. Brent Nix
Reg. No. 59,004

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Atlanta, Georgia 30309-3521
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Attorney Docket: 05213-0077 (13663.105206)



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PTO-2038 (09-2006)

Approved for use through 02/28/2009. OMB 0651-0043

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Request and Payment Information

Description of Request and Payment Information:

Filing fee for additional claims, 2-mth. extension of time and petition

☒ Patent Fee☐ Patent Maintenance Fee☐ Trademark Fee☐ Other Fee

Application No.

10/799,163

Application No.

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05213-0077 (13663-105206)

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